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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,473

02/18/2004

Lee Begeja

2002-0464

4873

26652

7590

04/15/2008

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,473	<b>Applicant(s)</b> BEGEJA ET AL.	
	<b>Examiner</b> JEAN A. GELIN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,14-22,25-33 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-11, 14-22, 25-33, and 36-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/11/08 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10, 19, 20, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lecton et al. (6,996,406) in view of Pendakur et al. (US 2003/0135,857)**.

Regarding claims 1, 10, 19, 20, and 32 Lecton discloses (see Figs. 1-3) a mobile communications device ((150A) and a wireless network node (150B), a communication network and a method comprising: means for determining mobile communications device location (GPS receiver 210), means for linking (encoder/decoder 250) metadata representing mobile communications device location and call related data (i.e., ID of the

communication device) to audio stream data sent from that mobile communications device for a wireless communications call (see encoder encoding positioning data in the generated identification tones for transmission by the RF transceiver, see col. 2, lines 34-53, col. 3, lines 32-45 and col. 5, lines 12-23) using a call record associated with said wireless communications call (i.e., the call record is within call related data which can be the identification of communication, the network must receives the ID of the communication device prior to connect).

Lecton fails to specifically teach said metadata is carried out of band on a channel separate from said audio stream data.

However, the preceding limitation is known in the art of communications. Pendakur teaches that time stamp and title are normally broadcast out-of-band on a predetermined channel within the broadcast spectrum but separate from channel carrying content ([0004] and [0075]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the techniques of Pendakur within the system of Lecton in order that out-of-band, pre-show information can be transmitted to a receiver via a back-channel or through email.

Regarding claim 20, Lecton in view of Pendakur teaches all the limitations above. Lecton further discloses wherein the means for determining and means for linking are located within the mobile communication device (col. 2, lines 34-44).

4. Claims 2, 5-6, 8, 11, 14-15, 17, 22, 25-26, 28, 33, 36-37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lecton et al. (6,996,406)** in view of Pendakur further **in view of Ayoub et al. (6,477,363)**.

Regarding claims 2, 11, 22, and 33, Lektion in view of Pendakur teaches all the limitations above except the means for determining comprises a processing technique selected from the group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination. However the preceding limitations are known in the art of communications. Ayoud teaches a system wherein the location information of the mobile terminal can be obtained in any known method GPS, triangulation, and DID numbers to provide an accuracy of the location information, col. 3, lines 30-54 and col. 4, lines 7-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in view of Pendakur in order to have different options to determine the location of the mobile terminal, and increase the possibility to find someone carrying the mobile terminal in need of assistance.

Regarding claims 5, 14, 25, and 36, Lektion in view of Pendakur teaches all the limitations above except the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link the metadata. However, the preceding limitation is known in the art of communications. Ayoub teaches controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the

system of Lektion in view of Pendakur in order to simultaneously received updated position information while the emergency call is in progress.

Regarding claims 6, 15, 26, and 37, Lektion in view of Pendakur teaches all the limitations above except the determined location is an identification of a cell currently serving the mobile communications device and the means for linking operates to link in response to detected changes in the currently serving cell. However, the preceding limitation is known in the art of communications. Ayoub teaches using cellular triangulation or method using position data obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in view of Pendakur in order to simultaneously received updated position information while the emergency call is in progress.

Regarding claim 8, 17, 28, and 40, Lektion in view of Pendakur teaches all the limitations above except the metadata includes a time stamp in addition to the determined location. However, the preceding limitation is known in the art of communications. Ayoub teaches position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in view of Pendakur in order to accurately determine the position of the mobile terminal.

Regarding claim 39, Lektion in view of Pendakur teaches all the limitations above except extracting the metadata from the audio stream data, and presenting the location of the mobile communications device. However, the preceding limitation is known in the art of communications. Corresponding to the claimed limitations, Ayoub teaches receiving equipment in the authority having a modem and tone detector, which extracts the DTMF tones and translates them back into digits representing the position of the cellular telephone, (see col. 4, lines 36-42), and location of caller as generated from mapping information being displayed on a computer screen together with the mapping information, (see col. 4, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in view of Pendakur in order to accurately display the location of the mobile terminal on a screen.

5. Claims 9, 18, 29, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lektion et al. (6,996,406)** in view of Pendakur further **in view of Britt et al. (6,647,267)**.

Regarding claims 9, 18, 29, and 41, Lektion in view of Pendakur teaches all the limitations above except the call related data is selected from the group consisting of a call record, called/calling party, and billing identification.

However, the preceding limitation is known in the art of communications. Britt discloses wherein the call related data includes predefined information can include data pertaining to the cellular telephone user such as a child's home telephone number as well as personal data (see col. 2, line 45 to col. 3, line 36), which reads on data selected

from the group consisting of a call record, called/calling party, and billing identification.

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Britt with Lektion in view of Pendakur in order to provide the supplying of pertinent personal information and location information that would assist in providing emergency services as taught by Britt.

6. Claims 7, 16, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lektion et al. (6,996,406)** in view of Pendakur as applied to claims 1, 10, 20 and 32 above, and further in view of **Williams (6,725,049)**.

Regarding claims 7, 16, 27 and 38 Lektion fails to specifically disclose means for encrypting the determined mobile communications device location.

In an analogous field of endeavor, Williams discloses a method and system for disseminating global positioning information through a telecommunications network by injecting the global positioning information into telecommunications between calling and called parties and wherein the positioning information may form the basis for encryption of messages or conversations between parties (see col. 3, lines 34-42, col. 4, lines 7-54).

It would therefore have been obvious to one of ordinary skill in the art to incorporate Williams encryption feature into Lektion in view of Pendakur's system in order to add a level of security to the provision of location information especially in emergency situations.



7. Claims 30, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lecton et al. (6,996,406)** in view of Pendakur as applied to claims 19 and 32 above, and further in view of **Lemelson et al. (6,054,928)**.

Regarding claims 30, 31 and 42 Lecton in view of Pendakur fails to disclose wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata.

In an analogous field of endeavor, Lemelson discloses a system and method for tracking and monitoring a prisoner or parolee that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance (see col. 4, lines 51-64, col. 9, lines 36-64). According to Lemelson and as illustrated in Fig. 5, a voice recorder 132 is provided as part of the control center for recording individual voice messages as well as provide voice response messages to security personnel (see col. 14, lines 17-24).

It would therefore have been obvious to one of ordinary skill in the art to combine Lemelson's monitoring and tracking system with Lecton in view of Pendakur's system in order to ensure the capability of providing voice response messages as well as recording data such as audio while providing accurate location information in emergency situations as taught by Lemelson.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN A. GELIN whose telephone number is (571)272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin  
April 15, 2008  
/Jean A Gelin/  
Primary Examiner, Art Unit 2617